



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: CHIOU  
Serial No.: 10/727,376  
Filed: DECEMBER 4, 2003  
Due Date: MARCH 4, 2003  
Title: COMPOSITIONS AND METHODS FOR TOPICAL TREATMENT OF SKIN INFECTION

Examiner: UNKNOWN  
Group Art Unit: UNKNOWN  
Docket: 14123.4US01

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February \_\_, 2004.

By: \_\_\_\_\_  
Name: \_\_\_\_\_

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**23552**

PATENT TRADEMARK OFFICE


Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Information Disclosure Statement, Form 1449, 4 Reference(s)
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.  
P.O. Box 2903, Minneapolis, MN 55402-0903  
612.332.5300

By:   
Name: Ronald A. Daignault  
Reg. No.: 25,968  
RDaignault:PLStdM



S/N 10/727,376

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|-------------|--|-----------------|-------------|
| Applicant:  | CHIOU  | Examiner:       | UNKNOWN     |
| Serial No.: | 10/727,376   | Group Art Unit: | UNKNOWN     |
| Filed:      | DECEMBER 4, 2003   | Docket No.:     | 14123.4US01 |
| Title:      | COMPOSITIONS AND METHODS FOR TOPICAL TREATMENT OF SKIN INFECTION |                 |             |

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By: \_\_\_\_\_  
Name: \_\_\_\_\_

**INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted within three months of the filing date of the above-identified application, which is not an application under 37 C.F.R. § 1.53(d). Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

In accordance with 37 C.F.R. § 1.98(a)(2)(i), a copy of the U.S. patents listed on the enclosed Form 1449 are not provided, as this application was filed after June 30, 2003. A copy of any "Other Document" listed on the Form 1449 is enclosed, in accordance with 37 C.F.R. § 1.98(a)(2).

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

**BEST AVAILABLE COPY**

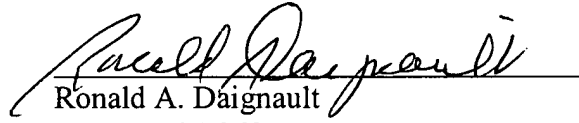
Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.


Respectfully submitted,

MERCHANT & GOULD P.C.  
P. O. Box 2903  
Minneapolis, Minnesota 55402-0903  
612.332.5300

Date 2/10/04

  
Ronald A. Daignault  
Reg. No. 25,968  
RAD:PLStdm



|   |                               |                                   |
|---|-------------------------------|-----------------------------------|
| <b>FORM 1449*</b><br><b>INFORMATION DISCLOSURE STATEMENT</b><br><br><b>IN AN APPLICATION</b><br>(Use several sheets if necessary) | Docket Number:<br>14123.4US01 | Application Number:<br>10/727,376 |
|   | Applicant: CHIOU              |                                   |
|   | Filing Date: 12/04/2003       | Group Art Unit: UNKNOWN           |

| U.S. PATENT DOCUMENTS |              |            |                       |       |          |                            |
|-----------------------|--------------|------------|-----------------------|-------|----------|----------------------------|
| EXAMINER INITIAL      | DOCUMENT NO. | DATE       | NAME                  | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|                       | 5,567,716    | 10/22/1996 | Della Valle et al.    |       |          |                            |
|                       | 6,294,186 B1 | 09/25/2001 | Beerse et al.         |       |          |                            |
|                       | 6,599,525 B2 | 07/29/2003 | Scamilla Aledo et al. |       |          |                            |
|                       |              |            |                       |       |          |                            |
|                       |              |            |                       |       |          |                            |
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|                       |              |            |                       |       |          |                            |

| FOREIGN PATENT DOCUMENTS |              |      |         |       |          |             |    |
|--------------------------|--------------|------|---------|-------|----------|-------------|----|
|                          | DOCUMENT NO. | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION |    |
|                          |              |      |         |       |          | YES         | NO |
|                          |              |      |         |       |          |             |    |
|                          |              |      |         |       |          |             |    |
|                          |              |      |         |       |          |             |    |
|                          |              |      |         |       |          |             |    |
|                          |              |      |         |       |          |             |    |

| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) |  |   |
|--|--|---|
|  |  | PCT Patent Application No. PCT/US02/18223, filed June 7, 2002.  |
|  |  | Leyden, J. et al., "Erythromycin 2% gel in comparison with clindamycin phosphate 1% solution in acne vulgaris," <i>Journal of the American Academy of Dermatology</i> , Vol. 16, No. 4, pp. 822-827 (April 1987). |
|  |  | Odom, R. et al., "Chapter 13: Acne," <i>Andrews' Diseases of the Skin, Clinical Dermatology</i> , Ninth Edition, pp. 284-306 and 509-520 (2000).  |
|  |  | Tierney, Jr., L. et al. (Editors), "Skin, Hair, & Nails," <i>2004 Lange: Current Medical Diagnosis &amp; Treatment</i> , 43rd Edition, pp. 111-114 and 123-125 (2004).  |

|   |   |                 |
|---|---|-----------------|
| <b>23552</b><br>PATENT TRADEMARK OFFICE | EXAMINER  | DATE CONSIDERED |
|   | EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant. |                 |